

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FIVE D FARMS, L.L.C.,

Plaintiff,

vs.

JEREMY VAN WHYE and JANE
DOE VAN WHYE, husband and
wife and their marital Community
thereof, *et al.*,

Defendants.

No. CV-10-5026-LRS

**ORDER GRANTING
MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

Good cause appearing, the Plaintiff's "Motion For Entry Of Default Judgment" (Ct. Rec. 8) is **GRANTED**. Judgment will be entered against all of the named Defendants who will be jointly and severally liable for the same. Judgment will, however, be modified in certain respects, as set forth below:

1) The principal amount of the Judgment is \$90,363.00.

2) Prejudgment interest at the rate of 12% per annum is awarded on the principal amount of \$90,363.00 from August 21, 2009 to the date of entry of Judgment.¹ An award of prejudgment interest is appropriate since Plaintiff was

¹ In a diversity action, state law determines the appropriateness of prejudgment interest, as well as the applicable interest rate. *Northrop Corp. v.*

1 deprived the use of these funds from August 21, 2009 to the date of entry of
2 Judgment.

3 3) Plaintiff is awarded costs of \$350.00 representing the filing fee paid to
4 commence this action. 28 U.S.C. Section 1920(1).

5 4) Because the amount of damages pleaded by Plaintiff, the prevailing party,
6 exceeds \$10,000, attorney's fees cannot be awarded pursuant to RCW 4.84.250.

7 5) Post-judgment interest on the principal amount of \$90,363.00 and \$350.00
8 in costs shall accrue at the rate specified in 28 U.S.C. Section 1961.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter
10 Judgment as set forth above. Copies of this order and the Judgment shall be
11 forwarded to counsel for Plaintiff.

12 **DATED** this 28th day of September, 2010.

13 *s/Lonny R. Suko*

14 LONNY R. SUKO
15 Chief United States District Judge

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26 *Triad Int'l Marketing, S.A.*, 842 F.2d 1154, 1155 (9th Cir. 1988). Prejudgment
27 interest is awarded to Plaintiff at the rate of 12% per annum pursuant to RCW
28 4.56.110(4) and RCW 19.52.020(1).

**ORDER GRANTING MOTION FOR
ENTRY OF DEFAULT JUDGMENT- 2**